
05-071**DEPARTMENT OF EDUCATION**

**Chapter 180: PERFORMANCE EVALUATION AND
PROFESSIONAL GROWTH SYSTEMS**

SUMMARY: This rule establishes standards and procedures for implementation of performance evaluation and professional growth systems (PE/PG systems) for educators, as required in Chapter 508 of Title 20-A of the Maine Revised Statutes. It defines terms, adopts sets of professional practice standards for use in PE/PG systems, establishes criteria that must be met by student growth measures used in a PE/PG system and requires involvement of educators in implementation of systems. The rule sets forth the process for obtaining Department approval of locally-developed plans, and describes technical assistance to be provided by the Department.

SECTION 1. PURPOSE OF THE RULE

This rule sets forth requirements for implementing Chapter 508 of Title 20-A of the Maine Revised Statutes. Chapter 508 requires school administrative units to develop, pilot and implement systems of performance evaluation and professional growth for teachers and principals. The purpose of Chapter 508 and this rule is to improve educator effectiveness by clearly setting forth expectations for professional practice and student growth, and providing actionable feedback and support to help educators meet those expectations. The goal of improving educator effectiveness is to improve student achievement.

SECTION 2. DEFINITIONS

1. “Approved PE/PG system” means a PE/PG system that complies with the requirements of Chapter 508 and this rule and that has been approved by the Department.
2. “Chapter 508” means Chapter 508 of Title 20-A of the Maine Revised Statutes.
3. “Department” means the Maine Department of Education.
4. “Educator” means a teacher or a principal.
5. “InTASC Model Core Teaching Standards” or “InTASC standards” means the set of professional practice standards for teachers adopted in April, 2011 by the Interstate Teacher Assessment and Support Consortium (InTASC).

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6. “Educational Leadership Policy Standards: ISLLC 2008” or “ISLLC standards” means the set of professional practice standards for educational leaders adopted by the National Policy Board for Educational Administration/Interstate Leader Licensure Consortium Steering Committee.
 7. “Performance evaluation and professional growth system”, or “PE/PG system” means a system of evaluation and support as described in Chapter 508.
 8. “PE/PG system plan” means the documents governing the operation of a local PE/PG system, which may include professional practice standards, rubrics, matrices, student growth measures, peer review plans, etc.
 9. “Principal” means a person serving in a position that requires certification under State Board of Education Rule Chapter 115, Part II, Section 4.5, 4.6 and 4.7. This includes a person serving as principal, assistant principal, teaching principal, career and technical education administrator and assistant career and technical education administrator.
 10. “Rating level” means one of the four summative effectiveness ratings assigned to educators under a PE/PG system.
 11. “School administrative unit” has the same meaning as in Title 20-A, section 1, subsection 26.
 12. “Summative effectiveness rating” means the effectiveness rating of an educator that is assigned at the end of an evaluation period, under an approved PE/PG system.
 13. “Teacher” means a person who provides classroom instruction to students in a general education, special education or career and technical education program. It does not include persons defined as “educational specialists” in State Board of Education Rule Chapter 115, section 2.20.
 14. “Teacher of Record” means a teacher to whom the academic growth of a student is attributed, in whole or in part.

SECTION 3. REQUIREMENT TO DEVELOP, PILOT AND IMPLEMENT SYSTEMS

Each school administrative unit shall develop, pilot and implement a performance evaluation and professional growth system for educators that complies with Chapter 508 and this rule. Development, piloting and implementation of the system must occur within the time frame set forth in Chapter 508.

SECTION 4. DEPARTMENT APPROVAL OF SYSTEM**1. Timing of submission and approval**

A PE/PG system must be approved by the Department before the first school year in which the system is implemented, other than as a pilot. To ensure adequate time for Department review and feedback, and to ensure adequate time for the school administrative unit to train educators on the system, a school administrative unit shall submit its PE/PG system plan for Department approval not less than 90 days before the beginning of the first evaluation period.

Within 30 days of receiving a complete filing of a proposed system plan, the Department shall notify the school administrative unit of whether the system plan is approved, or what changes are needed in order for the plan to be approved. The Department shall assist the school administrative unit in understanding options, and making changes to the system plan to bring it into compliance with Chapter 508 and this rule.

A school administrative unit is encouraged to seek advice and comment from the Department as it develops and pilots its PE/PG system.

2. Submittal requirements

To obtain Department approval, a school administrative unit must submit its PE/PG system plan, on a form provided by the Department.

The PE/PG system plan must include:

- A. A set of professional practice standards applicable to teachers;
- B. A set of professional practice standards applicable to principals;
- C. Student learning and growth measures;
- D. A description of other measures, if any, that will be used in determining the educator's summative effectiveness rating;
- E. A description of the four rating levels and the method of combining the multiple measures of educator effectiveness to arrive at a summative effectiveness rating for an educator;
- F. A description of the results and consequences of being placed in each of the rating levels;
- G. Implementation procedures, including but not limited to training requirements;

- H. A description of how educators were involved in development of the system, and how they will be trained to ensure that they understand and can fully participate in the system; and
- I. A description of when and how the Steering Committee will be formed and the mechanism by which the Steering Committee's recommendations will be taken into consideration by the school administrative unit administrators and the school board.

The submittal must also include evidence of adoption of the system by the school board.

SECTION 5. PROFESSIONAL PRACTICE STANDARDS FOR TEACHERS

The InTASC Model Core Teaching Standards set the standard for teacher effectiveness in Maine schools. A school administrative unit must use the InTASC standards, or a set of standards that align with the InTASC standards, to evaluate the professional practice of teachers in a PE/PG system.

The Department has determined that the following professional practice standards align with the InTASC standards, and may be used by a school administrative unit in a PE/PG system instead of the InTASC standards document:

1. National Board for Professional Teaching Standards (NBPTS);
2. Professional Practice standards in the model developed by The Danielson Group; and
3. Professional Practice Standards in the model developed by Marzano and Associates.

If a school administrative unit chooses to use a set of standards other than InTASC or the standards listed above, it must demonstrate to the Department that the school administrative unit's selected standards are aligned to the InTASC standards.

A "set of professional practice standards" includes the primary standards; supporting descriptions or indicators (e.g., performance, knowledge, dispositions, etc) for each standard, as published or endorsed by the creator/sponsor of the standards; and rubrics for each standard that are aligned with the adopted standards.

SECTION 6. PROFESSIONAL PRACTICE STANDARDS FOR PRINCIPALS

The Educational Leadership Policy Standards: ISLLC 2008 set the standard for principal effectiveness in Maine schools. A school administrative unit must use the ISLLC standards, or a set of standards that align with the ISLLC standards, to evaluate the professional practice of principals in a PE/PG system.

The Department has determined that the following professional practice standards align with the ISLLC standards, and may be used by a school administrative unit in a PE/PG system instead of the ISLLC standards document:

1. National Board Core Propositions for Accomplished Educational Leaders, adopted by the National Board for Professional Teaching Standards in 2009.

If a school administrative unit chooses to use a set of standards other than ISLLC or the standards listed above, it must demonstrate to the Department that the school administrative unit's selected standards are aligned to the ISLLC standards.

A "set of professional practice standards" includes the primary standards; supporting descriptions or indicators (e.g., performance, knowledge, dispositions, etc) for each standard, as published or endorsed by the creator/sponsor of the standards; and rubrics for each standard that are aligned with the adopted standards.

SECTION 7. STUDENT LEARNING AND GROWTH MEASURES

1. "Significant Factor"

Student learning and growth measures must be a significant factor in the determination of the summative effectiveness rating of an educator. In a PE/PG system that assigns a percentage value to each measure, student learning and growth measures are a significant factor if they constitute 25% or more of the educator's total score. In a PE/PG system that uses a matrix to assign educators to a rating level, student learning and growth measures are a significant factor if they appear on a single axis of the matrix, and that axis is divided into not more than 5 segments.

If a school administrative unit uses a method of determining a summative effectiveness rating other than a percentage or matrix method, the school administrative unit must demonstrate to the Department that the difference among educators in student learning and growth measures produces consequences similar to those created by the 25% or single-matrix consequences.

2. "Teacher of Record"

The Department shall convene a working group to develop statewide guidelines for determining one or more teachers of record for each student. The working

group shall ensure that the state longitudinal data system is capable of collecting and presenting that data for use in PE/PG systems. The teacher of record guidelines must ensure that attribution of student growth is made to a teacher only if the assessment and the attribution satisfy the requirements of this section.

3. Permissible Measures

Student learning and growth measures must be valid, reliable and appropriately attributed to the teacher or principal whose evaluation is impacted by those measures.

- A. A student learning and growth measure must measure student growth in achievement, not solely the level of achievement;
- B. To obtain growth information, the subject must have been assessed before the student is taught or led by the teacher or principal, and after, i.e., there must be a pre-test and a post-test to measure the growth of the student under instruction or leadership of the teacher or principal whose evaluation is impacted by the student. The pre-test and post-test are not required to occur in the same school year.
- C. A particular student's growth measure may be included in the evaluation of a teacher or principal only if:
 - (1) That student was taught by that teacher, or under leadership of that principal for at least 80% of the school days between the pre-test and post-test;
 - (2) That student took both the pre-test and the post-test; and
 - (3) Appropriate roster verification or other data collection methods are in place to ensure accurate attribution of students to teachers and principals.
- D. The assessment measures intended curriculum, and measures only things that are subject to instructional effectiveness.
- E. The results are used in a way that accounts for differences in growth at ends of the spectrum , e.g., higher-achieving students shouldn't be expected to make the same quantity of growth as lowest-achieving students; and
- F. The data used in the evaluation is a statistically reliable sample.

4. Use of Student Learning Objectives and IEP goals

Student Learning Objectives (SLOs) and Individual Education Plan (IEP) goals are important tools for individualizing instruction and learning. They may be used to establish an appropriate basis for measuring student growth, as long as progress toward the objective or goal can be, and is, assessed according to the criteria set forth in subsection 3.

SECTION 8. RATING LEVELS

Each PE/PG system must result in placement of educators into one of the following four summative effectiveness rating categories: Highly Effective; Effective; Partially Effective; and Ineffective.

While implementing a PE/PG system, a school administrative unit may use different labels for its four rating levels, as long as the levels align with the levels above, and the labels above are used for purposes of applying laws and rules.

SECTION 9. METHODS OF COMBINING MEASURES

A school administrative unit shall adopt a method of combining qualitative and quantitative measures of educator effectiveness to determine an educator's summative effectiveness rating. The method may include, but is not limited to, assigning numerical values to each element in the system and weighting them to provide a single numerical result, and creating a matrix with each element or group of elements on one of two axes, with resulting boxes labeled as falling into each of the four levels.

SECTION 10. RESULTS OF PLACEMENT IN RATING LEVELS

A school administrative unit must set forth the professional growth opportunities and the employment consequences tied to each rating level. An educator who is rated ineffective must be provided an opportunity to develop and implement a professional improvement plan.

SECTION 11. IMPLEMENTATION REQUIREMENTS

1. Evaluation frequency

A school administrative unit shall determine and set forth in its system plan, the frequency with which it will conduct a full evaluation leading to a summative effectiveness rating. A school administrative unit is not required to conduct a full evaluation leading to a summative effectiveness rating to each educator in each year, and the frequency of full evaluations may vary depending on the effectiveness rating of an educator. However, observations of professional

practice and formative feedback must occur each year and throughout the school year for all educators.

2. Training of evaluators

A person is a qualified evaluator in a Chapter 508 system only if that person has completed training appropriate to the role he or she will play in the system. During the 2013-2014 school year, the Department shall work with school administrative units to develop protocols for the training of evaluators.

SECTION 12. EDUCATOR INVOLVEMENT IN DEVELOPING, IMPLEMENTING AND REVIEWING PE/PG SYSTEMS

1. Development of system

Title 20-A of the Maine Revised Statutes, Section 13705 requires school administrative units to develop PE/PG systems “in collaboration with teachers, principals, administrators, school board members, parents and other members of the public.”

2. Training

Prior to implementing a PE/PG system, a school administrative unit must provide training to each educator who will be evaluated under the PE/PG system to ensure that each educator understands:

- A. The structure of the system, including the multiple measures of educator effectiveness and the evaluation cycle;
- B. The names and roles of administrators and others whose decisions impact the educator’s rating;
- C. How to participate in professional development opportunities to assist the educator in meeting professional practice standards used in the system;
- D. The results and consequences of receiving each type of summative effectiveness rating; and
- E. Other aspects of the system necessary to enable the educator to participate fully in the evaluation and professional growth aspects of the system.

3. Implementation, review and refinement of systems; Steering Committee

Each school administrative unit shall form a Steering Committee to regularly review and refine the PE/PG system to ensure that it is aligned with school administrative unit goals and priorities. The Steering Committee must include, but is not limited to, teachers, administrators and other school administrative unit staff. The structure and proposed operation of a Steering Committee, including the method of appointing members to the Steering Committee, must be included in the PE/PG system plan. The Steering Committee must be formed no later than the beginning of the pilot period of the PE/PG system.

4. Peer review and collaboration

Each PE/PG system must include a peer review component and opportunities for educators to share, learn and continually improve their practice. A school administrative unit shall specify in its system plans what peer review components will be included and what qualifications will be required, including but not limited to training, of peer reviewers.

Peer review includes, but is not limited to, observation of peers, review of portfolios and other evidence offered to demonstrate an educator's performance, and review of professional improvement plans.

Educator opportunities for sharing, learning and continually improving practice include, but are not limited to providing opportunities for mentoring and coaching, involvement in professional learning communities, and targeted professional development.

SECTION 13. USE OF RATING IN PROFESSIONAL DEVELOPMENT DECISIONS

Professional development opportunities must be provided to educators, based on individual needs identified during PE/PG system evaluations.

SECTION 14. PROFESSIONAL IMPROVEMENT PLAN

An educator who receives a summative effectiveness rating of "ineffective" must be provided the opportunity to develop and implement a professional improvement plan. The PE/PG system plan must assign responsibility to one or more supervisors or administrators to work with the educator and to oversee development and implementation of a professional improvement plan.

SECTION 15. PILOTING OF SYSTEM

During the pilot period of a PE/PG system, a school administrative unit may not use a summative effectiveness rating assigned under the PE/PG system in any action related to employment or compensation of an educator.

A school administrative unit shall design a pilot to include any aspects of the proposed PE/PG system that have been identified as concerns of local educators. In each case, at least some or all of the proposed student growth measures must be applied on a pilot basis. The school administrative unit shall ensure that the local Steering Committee is formed before the pilot begins and must ensure that the Steering Committee is involved in evaluating the results of the pilot.

SECTION 16. TECHNICAL ASSISTANCE

The Department shall provide technical assistance to school administrative units in developing, piloting and implementing PE/PG systems, including, but not limited to: an online bank of tools, training and resources for use in developing, piloting and implementing PE/PG systems; posting of approved PE/PG systems and system tools; and technical assistance in developing valid and reliable student growth measures.

SECTION 17. FUNDING FOR DEVELOPMENT, PILOTING AND IMPLEMENTATION

The Department shall provide guidance to school administrative units on sources of funding for development and implementation of PE/PG systems, which may include guidance on the permissible use of federal ESEA funds, state EPS funds and potential grant sources.

SECTION 18. IMPACT OF EFFECTIVENESS RATINGS UNDER PRE-CHAPTER 508 SYSTEMS

An effectiveness rating assigned to an educator in a system that has not been approved and piloted after approval, pursuant to Chapter 508 and this rule, is not an “effectiveness rating pursuant to Chapter 508” as used in Title 20-A, section 13201 or a “summative effectiveness rating” as used in Title 20-A, section 13703.

STATUTORY AUTHORITY: Title 20-A MRSA §13706

EFFECTIVE DATE: